

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/518,403

Attorney Docket No.: Q85026

AMENDMENTS TO THE DRAWINGS

Please delete Sheet 2 of 2 of the drawing.

Applicant hereby submits a replacement Fig. 1 which replaces the first sheet of the drawing.

Attachment: Replacement Sheet (FIG. 1)

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-21 are currently pending in the application. By this Amendment, Applicant has amended the Specification, and submitted a replacement Figure 1. Applicant respectfully submits that no new matter is added, and traverses all the rejections.

Objections - Drawings

With respect to the Examiner's objection to the drawings, Applicant discovered¹ that there are currently two figures filed before the USPTO. Since only a single figure had been originally filed, Applicant believes that a second figure identical to the original figure became a part of the current application due to an error caused by the USPTO. Therefore, Applicant respectfully requests that the duplicate figure to be canceled.

Further, Applicant hereby submits a replacement figure 1 which contains a label for each of the components within the figure, as suggested by the Examiner. Corresponding section of the Specification has also been amended to refer to the sole figure as Figure 1. Therefore, Applicant respectfully requests withdrawal of the objection.

¹ Such discovery is based on the publication of the subject application which includes *two* figures (U.S. Patent Application No. 2005/0227682).

Objections - Specification

The Examiner has objected to the specification (See Office Action: page 3). Applicant has amended the specification to add section headings such as “Background of the Invention”, “Summary of the Invention”, “Brief Description of the Drawings” and “Description of the Preferred Embodiments”. Therefore, withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5-10, and 12-19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Carroll (U.S Patent Application No. 2001/0041591; “Carroll”).

Each of the independent claims 1 and 9 recites, *inter alia*, “a mobile telephony device equipped with *AT command management means*” and “exchanging service configuration data between the terminal and the device by *means of selected AT commands that the AT command management means* of said device are able to interpret.” Applicant respectfully submits that Carroll fails to provide any description regarding the use of AT commands.

As shown below in Fig. 3 of Carroll, Carroll generally describes a wireless universal provisioning device (WUPD). Carroll describes “provisioning” as the “programming of a wireless communication device for use by the owner” (See Carroll: page 1, [0004]). To that end, Carroll provides a WUPD 306 which contains the provisioning information which is transmitted wirelessly to the cellular telephone 308 (See Carroll: page 3, [0034]; Fig. 3).

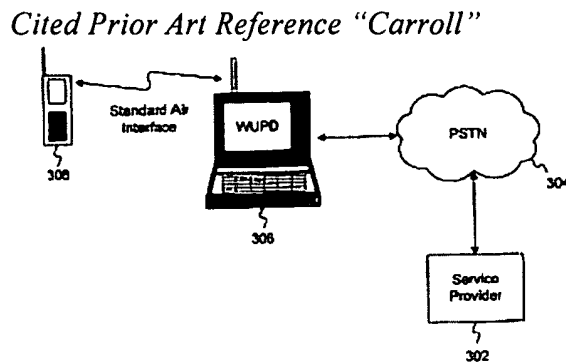


Figure 3

However, Carroll's description of the communication between the WUPD 306 and the cellular telephone 308 does *not* explicitly mention whether such communication would include communicating using AT commands (See Carroll: page 3, [0035], "Thereafter WUPD 306 uses the standard air interface of the cellular telephone 308 to download the provisioning information into the cellular telephone 308."). Rather, Carroll specifically describes three² modes of communication taking place between the WUPD 306 and the cellular telephone 308.

In view of the foregoing, Applicant respectfully submits that Carroll fails to teach or suggest the claimed communication via the "AT command management means" in the mobile telephony device, as recited in claims 1 and 9. Therefore, Applicant respectfully submits that claims 1 and 9 are patentable over Carroll. Further, Applicant respectfully submits that claims 2-3, 5-8, 10, and 12-19 are patentable by virtue of their dependency from claims 1 and 9.

² 1. "locking" mechanism between the WUPD and the cellular telephone (See Carroll: page 3, [0036]); 2. transmission of a control signal from the WUPD which has a "higher" power level (See Carroll: page 3, [0039]); 3. "tuning" to a specific frequency by the cellular telephone (See Carroll: page 3, [0040]).

Claims 4-11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Carroll in view of Bharadwaj (U.S Patent Application No. 2002/0032751; "Bharadwaj"). Claim 20 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Carroll in view of Herle (U.S Patent Application No. 2003/0027563; "Herle"). Claim 21 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Carroll in view of Lee (U.S Patent Application No. 2002/0105834; "Lee").

Applicant respectfully submits that Bharadwaj, Herle and Lee are each being cited for allegedly teaching features other than the AT command communications, and therefore, submits that each of the secondary references fails to make up for the deficiency of Carroll noted above (See Office Action: pages 6-8). Therefore, Applicant respectfully claims 4-11, 20 and 21 are patentable under the rationale analogous to those mentioned with respect to claims 1 and 9.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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